

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER DAY,

Defendant.

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8:09CR382

ORDER

This matter is before the court on the motion for an extension of time by defendant Christopher Day (Day) (Filing No. 74). Day seeks fifteen days in which to file pretrial motions in accordance with the progression order. Day's counsel was recently appointed due to a conflict of interest by Day's previously appointed counsel. Upon consideration and for good cause shown, the motion will be granted.

IT IS ORDERED:

Defendant Day's motion for an extension of time (Filing No. 74) is granted. Day is given until **on or before December 30, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 10, 2009 and December 30, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of December, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge